G. R. S. IX-5]

Previous references.

Cts. 54-17(7 to 12)
" 36-20 (1-4)

1920.

File No. 120

Serial Nos. 1

(Courts)

Later references.

Pris. 1-20 (1913, 20)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three

Part B for January

SUBJECT.

Permission to the trial of Kengadu a
Surrendered in connection with some o
for an offence under Sec. 379, I.P.C

Sl 4) To the Dist. Magistrate, K.

No. G. 14561 of 25?

States that the trial of pr
in the 1st instance without extra
or irregular; a perk trial is ke
necessary and intimates that th
the Resident has no objection to
having tried for an offence.

WD 2233—GPB—20,000—14.6.20

G. R. S. 11) 19[illegible]20.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 120 - 20

FILE HEADING.

Permission to the trial of Vengadu already surrendered in Connection with some other case. for an offence under [illegible]

From

The District Magistrate Kolar District.

No. C. 234 Dated 29 th Oct 1920 Received on 5-11-20

Diary No. 9563	Enclos. 1 [illegible] Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that Vengadu who was surrendered from Pondicherry for a certain offence was convicted & sentenced, has to be tried for another offence under Sec 379, I.P.C. for which he was [illegible] requests orders from the Govt the President in Council [illegible]

NOTES AND ORDERS.

13.

for the said offence.

G.O. no. J. 4652-61/cts 524 17.12 & 14-3-1918 has clearly laid down that a person must be extradited for the specific offence committed & for which the trial of which application for his surrender is made. If any other offence comes to light

NOTES—First Sheet.

(2)

9583

the trial, then separate orders will have to be passed since the person surrendered can not be tried for any other offence not mentioned in the Extradition warrant. In the present case, the individual is said to be undergoing his sentence in the Central Jail. So, permission of the Govt the Resident seems necessary for his trial for another offence.

Subd with a draft. 2) The records show that the trial is already over & that the sentence is not pronounced.

6-11-1911 8/11

3) The trial seems to be irregular under the G.O. of 14.5.1918. D.C.'s not desired to send copy of D.C.'s letter

4) Draft put up as revised by the Residency

5) The irregularity may be pointed out separately by the G.P.

D. M. 10/11

Revised

1) Even if the D.C.'s letter is not sent, the records of the case will have to be sent to show that ~~that~~ there is a prima facie case. Not for orders if the records also may not be sent.

Revised draft may be put up

D. M. 10/11

May be sent D. M. 10/11

R. S. III-2.

General and Revenue Secretariat.

File No. of 191 .

(3

Serial No.

8) Subd with a revised draft.

Ex 33
2/12/20
Asst
7/4

9) The draft is not suitable for a case of this kind. The Supdt Phase must in a fresh office on the following lines :—

1. Mention the facts in brief;
2. Say what the trial is irregular supposed to the G.O.C and what necessary steps have been taken to prevent a recurrence of such trial.
3. Ask for permission for the trial. The record also to be forwarded.

D. M.
2/12

Note :—
The Supdt will please examine the pending cases of the CTs; sections and see if any more cases require such attention

D. M.

10) Subd with a revised draft for abbd

Asst
2/12

Rev: Sect
III Member

D. M.
3/12

Subd.
Examined as directed & necessary action taken
Asst
4/12

3438
6/12/20

lee
4/12/20

11) The draft is not very clear. It gives an impression that the trial already held though irregular can be regularised by the issue of the Contradictions warrant in which case the irregularity can be ignored by the Revg Authority? Or is a fresh trial necessary. If so, the Sanction may be clearly stated. The Convening

D. M.
4/12

NOTE.—Contn. sheet

Serial No.

under which his 2nd trial was held may be stated in greater detail.

Ker
7/12

12) Please put up a clean note and a revised draft.

Ker
8/12

13) No irregularity cannot be condoned by a fresh trial is needed. Necessary orders are Please put up a revised draft.

D. M.
8/12

14) Submitted with a revised draft as directed.

15) The general restrictions on Surrender of criminals, which were laid down in Sec 3 of the Extradition Act, 1870, are not repeated in the Indian Extradition Act, 1903, Chap III of which applies to Hyde. The wording of Sec 7 of the Act, however, seems to imply that a criminal has to be specifically surrendered for every offence with which he is charged. In this view the trial of an accused for an offence for which he was not surrendered cannot perhaps be regularised & a fresh trial seems necessary.

15) In the case which led to G.O

NOTE.—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | 5 File No. 120 of 19 0.

Serial No.	
	B no. J4652-61 — CS 24-7-13 & 24.5.18 the accused had been tried, convicted & sentenced for an offence for which he was not extradited. But the question whether the trial & conviction could stand or not was not raised.
	Add 4/1 16) Submit with a fresh draft for approval. D. M. 5/1
	III Member 17)
5/1 3926 5.1.21.	
	18) Issue D. M. 7/1
2.	To The P. A. Resident in Mysore No. Pol 762 Dated 5th Jan 1921 Requests him to move the Hon'ble the Resident to prevent the trial & Revenge Venkata for the offence of the Sh. Jamkhandi because it is not in accordance

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | T 6 File No. 120 of 1920.

Serial No.	
2	From The D. A. Resident in Mysore No. 583 D 19th Jan 1921 Forwarding the trial of Venugopalan for theft. Sealed with a deaf. P 88 21/1/21 AR 21
3	
4	To The District Magistrate, Kolar. No. G. 14561 D 25/1/21. States that the trial of persons in the 1st instance without examination is irregular; a fresh trial is therefore necessary & intimates that the Hon'ble the Resident has no objection to Venugopalan being tried for an offence.

20 Issued P.W. 12/1

B 25

-2-

9

No 120-20-2

To

The J.A. Resident
in Mysore

L & C 742

Sir,

10th January 1921

Adverting to the correspondence ending with your endorsement no 6945 dy 10.8.20 regarding the surrender of one Korachar Vengadu accused of robbery, I am directed to state that by the time the accused was surrendered for trial before the I class Magistrate, Chickballapur Sub Division, another case of theft against the same individual committed before the application for his extradition was made but not included in the ~~prima facie case~~ charge for by which the extradition was applied ~~secured~~, had been referred for trial to the same magistrate by the District Magistrate, Kolar

~~Contrary to the general principles~~
~~of extradition and the standing~~
orders of Govt on the ~~subject~~,
~~the Magistrate~~, ~~taking~~ Taking advantage
of the presence of the accused in
the Hon'ble Magistrate's Court
this case, proceeded
with the trial in the case
of Ulrich also ~~under a misconception~~ and found him
guilty of the offence, ~~But~~ but has refrained from passing
~~Before pronouncing the sentence~~
~~Convicting the accused, he~~
~~has now sought for his specific~~
~~orders for the said offence~~
sentence as his presence
was not considered for this
purpose.

2 The trial held by
the Magistrate being irregular
a de novo trial will be ordered.
And I am, in the meantime
to request you to move the Hon'ble
the Resident to kindly accord
permission to the trial of the
accused for the offence in question.

In that view requested for his
presence must ~~be relinquished~~ this
to proceed with the trial in his
Residency as appears to be irregular
and a de novo trial will be
ordered if his necessary permission
is granted. I am therefore to request
you to move his Hon'ble his Residency
to kindly grant the requisite
sanction.

The accused is now in
the Central Jail, Bangalore,
undergoing the sentence of
1½ years imprisonment
passed on him in the Sessions

3. It is regretted that this case was not brought to notice when the main surrender was applied for in the first instance. This irregularity procedure adopted in the case will be pointed out to the District Magistrate with a view to prevent a recurrence of such cases.

4. The records in Cr case no 31/20-21 on the file of the I class Magistrate, Chickballapur, are forwarded herewith for reference and return.

I have &c

D M
5/1

Revenue Secretary

ASR
4/1

GEN & REV. SECTT
19 JAN 1921

12

R. O. 2.—E. P. B.—12-1920.—1000.

No. 583
14/1920.

120-20
3.

From

MAJOR C. T. C. PLOWDEN, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Dated Bangalore, 19th January 1921.

Sir,

In reply to your letter No. 742, dated the 10th January 1921, I am directed to say that there is no objection to Korachar Vengadu, who was surrendered for robbery, being tried also for theft.

I have the honour to be,
Sir,
Your most obedient servant,

FIRST ASSISTANT RESIDENT.

BJ

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the *191* .

Date of issue 25/1

Signed by Mr O. M

Section C 5

File No. 20.20.

Serial No. 4

No. G 145-61/Jud. Records.

To The Dl. Magistrate, Kolar

Sir,

With reference to your letter no C.236 dt 29th Oct 1920 requesting that the Hon'ble the Resident may be moved to accord sanction to the prosecution of Kovacham Venugopal to receive sentence for the offence of theft with which he stands charged before the Ist class magistrate, Chickballapur, I am

over.

directed to state that the
trial in the first instance of the
prisoner for an offence for which
he was sentenced to death was
under your orders and that the
Hon'ble the Chief Justice has no objection
to your issuing directions for
the withdrawal of the appeal.

under G.O. no J 4652-61
C534-173
dt 14-5-1918. A fresh
trial is therefore
necessary and I am
to state, that

2. The records received with
your letter under reply
are returned.

Yours &c

List of enclosures.

Copied by

Examined by